

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
LSPA Enterprises, Inc. D/B/A Favor (UC)  
Unified Communications,

Plaintiff,

-against-

Ingram Micro, Inc.,

Defendant.

-----X  
AMON, Chief United States District Judge.

NOT FOR PUBLICATION  
**MEMORANDUM & ORDER**  
12-cv-1022 (CBA) (VVP)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ MAY 31 2013 ★

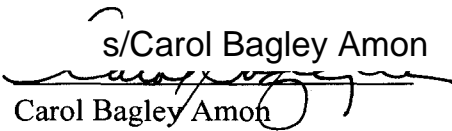
BROOKLYN OFFICE

Before the Court is Magistrate Judge Viktor Pohorelsky's Report and Recommendation ("R&R") recommending that the Court grant defendant Ingram Micro, Inc.'s motion dismiss this action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). The plaintiff corporation did not object. Where no timely objections have been filed, a district court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72, Notes of Advisory Committee; *Jarvis v. N. Am. Globex Fund, L.P.*, 823 F.Supp.2d 161, 163 (E.D.N.Y. 2011). The Court is mindful of the Second Circuit's recent opinion in *Mitchell v. Lyons Prof'l Servs., Inc.*, 708 F.3d 463 (2d Cir. 2013); however, as the plaintiff is a corporation and not an "unsophisticated" party like the appellants in that case, *id.* at 469, the Court declines to relieve plaintiff of responsibility for the actions of the counsel it has retained. The Court has reviewed the record and, finding no clear error in the R&R, hereby adopts it in its entirety as the opinion of the Court. This action is dismissed with prejudice. The Clerk of Court is directed to enter judgment against plaintiff and close this case.

SO ORDERED.

Dated: Brooklyn, N.Y.

May 31, 2013

s/Carol Bagley Amon  
  
Carol Bagley Amon  
Chief United States District Judge